

EXHIBIT B

From: Goodyear, Justin <Justin.Goodyear@usdoj.gov>
Sent: Friday, July 20, 2012 7:55 AM
To: Eric Snyder
Cc: 'SJones5@usa.doj.gov'; 'JMcMahon@usa.doj.gov'; Stokes, Patrick; Jaroslaw, Ilene (USANYE)
Subject: Re: Draft joint motion in Word

Eric:

The government declines your invitation to conduct a criminal investigation of the undercover FBI agent in this case, which we deem to be an inappropriate request. Be assured, however, that we will fully comply with all our legal obligations, including Brady – which material will be produced as soon as any is found – and Giglio, which material will be produced in a timely manner sufficiently in advance of trial, consistent with the practice in the Eastern District of New York.

Likewise, we decline to provide the requested internal DOJ communications; you are not entitled to such communications nor are they relevant to the case as it pertains to the criminal prosecution of your client.

As you may have inferred from our intention to seek a protective order, we decline to provide the true identity of the undercover FBI agent.

None of your requests falls within Rule 16, including Rule 16(a)(1)(E), which calls for production of documents and objects that are material to the preparation of the defense.

Please note that there is a substantial amount of information that we are ready to provide to you immediately upon the entry of an appropriate protective order. The entry of such an order would not prejudice your ability to seek relief from the court to obtain the additional information that you seek, and that we believe is not subject to discovery. Indeed, concurring with the joint motion would allow you to obtain relevant discovery in a timely way and still permit you to file motions if you find it necessary to do so subsequently.

-Justin

From: Eric Snyder [mailto:Eric.Snyder@kobrekim.com]
Sent: Tuesday, July 17, 2012 09:38 AM
To: Goodyear, Justin
Cc: shannon.jones@usdoj.gov <SJones5@usa.doj.gov>; McMahon, James (USANYE) (James.McMahon@usdoj.gov) <JMcMahon@usa.doj.gov>; Stokes, Patrick
Subject: RE: Draft joint motion in Word

Justin,

I had also asked if you (or any of the other prosecutors) consulted with OIA before the calls were made to Switzerland and the UAE. Are you able to provide any response to that question?

Thanks
Eric

Eric Snyder
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From: Eric Snyder
Sent: Monday, July 16, 2012 4:37 PM
To: 'Goodyear, Justin'
Subject: RE: Draft joint motion in Word

Justin,

When we spoke after the arraignment on Friday, you said that you would get back to me regarding my requests for:

- The undercover FBI agent's true name; and

- Any and all instances of when the same agent (even if under a different undercover identity) violated the laws of any other countries, the Attorney General's Guidelines, FBI Guidelines or Regulations, or any other applicable guidelines or regulations. (Obviously, we would need this to include any instances of wrongdoing from the ongoing investigations as well as those which have since been closed.)

As I explained during our discussion in the Courthouse, it is important that we not be impeded in developing this information for use in our defense at trial. And, absent some agreement that we will get all of this information directly from the Government, we will need to try to locate it through our own investigation.

Please let me know if you will be able to provide this information to us.

Thanks
Eric

Eric Snyder
+1 202 664 1904

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From: Goodyear, Justin [<mailto:Justin.Goodyear@usdoj.gov>]
Sent: Saturday, July 14, 2012 11:44 AM
To: Eric Snyder
Subject: Draft joint motion in Word

Eric:

Please let me know if you'd like to discuss this, or feel free to send a version with proposed edits.

-Justin

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